

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

GEORGE WELCH

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:20-cv-122-NBB-JMV

CITY OF HERNANDO, MISSISSIPPI, ET AL.

DEFENDANTS

PLAINTIFF GEORGE WELCH'S MOTION IN LIMINE

Plaintiff George Welch, by and through undersigned counsels, filing this Motion in Limine and in regard to the same, asking this Court to deem inadmissible and exclude any mentioning, referencing, or introduction of evidence regarding the following matters:

I. Any evidence of Plaintiff's 2018 bankruptcy.

Plaintiff anticipates that Defendants will attempt to enter evidence of Plaintiff's bankruptcy from 2018 to attack the credibility of Plaintiff and legitimacy of Plaintiff's claims. Plaintiff initiated his bankruptcy on October 24, 2018. An order was entered on February 21, 2019 dismissing the bankruptcy. A copy of the docket report is attached as Exhibit "A". Any such evidence is inadmissible pursuant to Rules 401 and 403 of the Federal Rules of Evidence as it is unrelated to any factual claims or defenses in this matter. Such evidence would also confuse the jury and has the potential of causing unfair prejudice to Plaintiff that it makes a fair trial seemingly impossible. Plaintiff asks this Court to deem all such evidence inadmissible and preclude Defendants from mentioning, referencing, or introducing any such evidence.

II. Any evidence of prior traffic tickets paid by Plaintiff in the City of Hernando.

Plaintiff anticipates that Defendants will introduce evidence of prior ticket issued by a Hernando Police, of which Mr. Welch paid without any contest. Plaintiff was issued a citation on

March 21, 2017. Any of evidence of Plaintiff paying this ticket should be excluded pursuant to rule 403 of Federal Rules of Evidence. By paying the ticket, Plaintiff in no way admitted any guilt regarding the violation alleged on the ticket. As Plaintiff stated in his deposition, Plaintiff was self-employed, and he would lose more money being in court to contest the validity of the ticket and missing work than he would by simply paying the amount of the ticket. Attached is an excerpt from Plaintiff's deposition marked as Exhibit "B". Any evidence Defendants intend to introduce regarding paying this ticket to prove a criminal violation would mislead the jury in believing that such acts by the Plaintiff was an admission of wrongdoing and would be so prejudicial as to make a fair trial impossible.

III. Any evidence of HOA rules or violations.

Plaintiff would ask this Court to exclude any mentioning, referencing, or introduction of any evidence of HOA rules or violation by Defendants. As Plaintiff stated in his deposition, Plaintiff was not a member of the homeowners' association. He lived in the Forest Meadows subdivision prior to the formation of the homeowners' association and never joined. He was never subject to any of the rules set by the homeowners' association and thus could not violate such rules. An excerpt from Plaintiff's deposition is attached as Exhibit "C". Any such evidence is inadmissible pursuant to rules 401 and 403 of the Federal Rules of Evidence as such evidence is irrelevant and would only confuse the issues and mislead the jury. Plaintiff asks this evidence be deemed inadmissible and the Court enter an order precluding Defendants from mentioning, referencing, or introducing any such evidence.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully asks this Court to receive his motion and make an initial determination that the above referenced matters are

inadmissible, and that Defendants are precluded from mentioning, referencing, or introducing any such evidence at trial.

RESPECTFULLY SUBMITTED, this 18th day of August, 2021.

ATTORNEYS FOR PLAINTIFF

/s/ Garret T. Estes

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CERTIFICATE OF SERVICE

I certify that I have this day electronically filed the forgoing with the Clerk of the Court, using the CM/ECF system, which sent notification to the following counsel of record:

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This the 18th day of August 2021.

/s/ Garret T. Estes

Garret T. Estes